

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **No. 4:07CR00405 HEA (DDN)**
)
ROBERT DOUGLAS HARTMANN,)
a/k/a "Doug Hartmann,")
)
Defendant.)

GOVERNMENT'S PRE-TRIAL MOTIONS

Comes now the United States of America, by Michael W. Reap, Acting United States Attorney for the Eastern District of Missouri, and Howard J. Marcus, Assistant United States Attorney for said District, and respectfully requests that this Court grant the Pre-Trial Motions of the government, and in furtherance of said Motions, states that the government has made an oral request for discovery as well as a request by letter. The defendant has not responded to written requests, necessitating this motion.

DISCOVERY AND INSPECTION

Pursuant to Rule 16(b), Fed.R.Crim.P., and in light of the defendant's request for discovery under Rule 16(a), Fed.R.Crim.P., the government requests that this Court Order the defendant to allow the government to inspect and copy the following:

- A) Any books, papers, documents, photographs, tangible objects, or copies or portions thereof; and
- B) Any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof; which the defendant intends to

introduce as evidence at trial or which were prepared by a witness the defendant intends to call at trial. Further, the government requests the names and addresses of any experts which the defendant intends to use at the trial.

STATEMENTS OF WITNESSES

Pursuant to Rule 26.2(a), Fed.R.Crim.P., the government requests that this Court Order the defendant to produce for the government the statements of any witnesses the defendant calls at trial. Further, to the extent that the government provides the statements of its witnesses to the defendant before those witnesses are called in the trial of this matter, the government requests that this Court's Order compel the defendant to provide the same early disclosure of the statements of the defendant's witnesses.

WHEREFORE, the government respectfully requests that this Court issue an Order compelling the defendant to comply with Rule 16(b), Fed.R.Crim.P., and pursuant to Rule 26.2, Fed.R.Crim.P., that the defendant provide the government with the statements of witnesses to be called by the defendant.

RETAIN ROUGH NOTES

The government requests that the defendant, the defendant's attorney, and any investigators for the defendant be required by this Court to retain their rough notes of any interviews conducted in connection with this case. Such notes may be discoverable at trial, and for this reason they should be preserved. Goldberg v. United States, 425 U.S. 94, 101-102 (1976); United States v. Nobles, 422 U.S. 225, 241 (1975).

Respectfully Submitted

MICHAEL W. REAP
Acting United States Attorney

/s/ Howard J. Marcus
HOWARD J. MARCUS #1698
Assistant United States Attorney
111 South 10th Street, Room 20.333
St. Louis, Missouri 63102
(314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2007, the foregoing was filed electronically with the Clerk of the court to be served by operation of the court's electronic filing system upon the following:

BURTON H. SHOSTAK
Moline and Shostak
8015 Forsyth Boulevard
Clayton, Missouri 63105

GRANT J. SHOSTAK
Moline and Shostak
8015 Forsyth Boulevard
St. Louis, Missouri 63105

/s/ Howard J. Marcus
Assistant United States Attorney
